



**Quick recommendations and resources  
for use when implementing  
the provisions of IDEA 2004.**

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\* For a summary of the major provisions that create new requirements or alter state or federal regulations, refer to [IDEA 2004 Guidance Document](#), May 2005



## Paraprofessionals \*

### *Important Team Members*

#### **What are the requirements for paraprofessionals (teacher assistants)?**

In Virginia, there are no state certification or licensing requirements for paraprofessionals. There are, however, state requirements for local educational agencies (LEA) when employing paraprofessionals.

#### **Paraprofessional Requirements:**

**No Child Left Behind Act (NCLB)** has specific requirements for Title I schools and programs. Any paraprofessional who provides instructional assistance in a program supported with Title I, Part A, funds must meet certain requirements.

Instructional assistance includes providing one-to-one tutoring, assisting with classroom management, providing instructional assistance in a computer lab, conducting parent involvement activities, serving as translators, or providing instructional support under the direct supervision of a teacher.

Individuals who work in food services, cafeteria or playground supervision, personal care services, non instructional computer assistance, and similar positions are not required to meet the NCLB Title I requirements.

**Under the NCLB requirements, paraprofessionals must have a secondary school diploma or its recognized equivalent.**

#### **Paraprofessionals hired after January 2002, must also meet one of the following options by 2006:**

- Complete 2 years of study at an institution of higher education;
- Obtain an associate's (or higher) degree; or
- Meet a rigorous standard of quality and be able to demonstrate through a formal state or local academic assessment covering reading, writing, and mathematics.

Refer to *VDOE's Implementing the NCLB Act of 2001 Questions and Answers*, February 2003.

[www.doe.virginia.gov/VDOE/nclb](http://www.doe.virginia.gov/VDOE/nclb)

#### **Individuals with Disabilities Education Act (IDEA)**

The IDEA requires paraprofessionals and assistants be appropriately trained and supervised when they assist in the provision of special education and related services. The local educational agency (LEA) should provide for the training and supervision of paraprofessionals.

#### **State Resources:**

The Virginia Department of Education encourages LEAs to use the NCLB highly qualified standards for all paraprofessionals by offering support and tuition assistance.

For guidelines refer to *Virginia Paraprofessional Guide to Support and Collaborate with Paraprofessionals*, July 2005 and *Staff Development Series for Paraprofessionals* at <http://ttaonline.org>.

For tuition assistance visit:  
<http://www.teachvirginia.org>.

\* Refer to [IDEA 2004 Guidance Document Section III](#), May 2005



## Evaluation and Eligibility \*

### *Response to Intervention*

**Research-based intervention or response to intervention (RtI)** practices can be used to determine whether a child qualifies for special education services in the category of specific learning disabilities (SLD).

IDEA 2004 and NCLB clearly support the use of an RtI system. RtI has two goals: to prevent academic problems and to determine students with SLD. RtI offers the combination of assessment and instruction.

The basic features of RtI include:

- High-quality instruction in the students' general education setting;
- Reliance on research-based instruction by general educators;
- Active roles in student progress monitoring for general educators;
- Universal screening for academics and behavior problems conducted by school staff;
- Implementation of specific research-based interventions to address difficulties and to make needed modifications; and
- Systematic assessment, by school staff, of the fidelity with which instruction and interventions are implemented.

**IDEA 2004 §1414(b)(6)** Revises the mandate whereby the state requires school divisions to consider whether a child has a severe discrepancy between achievement and intellectual ability when determining whether a child has a learning disability. Now, school divisions are permitted to use a response to a research-based intervention as part of an evaluation process. School divisions may choose to use the discrepancy model, a research-based intervention model, or a different research-based assessment process. The state may not require school divisions to use the discrepancy model.

**Tiers of Intervention:** Tiers of Intervention refer to instruction over time in response to student needs. The general education classroom is the setting for Tiers I and II. Although, general education teachers are involved in the evaluation process, special education is the setting for Tier III.

#### **Tier I: Universal Intervention**

- Evidence-based instruction
- Progress monitoring implemented by classroom teacher

#### **Tier II: Targeted Intervention**

- Intervention is selected and intensive to address students who are not responding to instruction in Tier I
- Interventions supplement research based instruction
- Interventions are typically delivered in small groups by various school personnel (e.g., reading specialist, psychologist, classroom teacher)
- Progress monitoring continues on target skill

#### **Tier III: Specialized Intervention**

- Intervention is designed to address limited progress in areas of targeted intervention at Tiers I and II
- Intervention is delivered in small groups or individually through special education (may supplant classroom instruction)
- Progress monitoring and consultation continues

\* Refer to [IDEA 2004 Guidance Document Section V](#), May 2005



**Individualized Education Program (IEP) \***

*Standards-Driven IEPs*

**Standards-driven IEPs are related to the general curriculum and should be based upon the long-range educational outcomes of the student.**

All IEPs in Virginia must contain a present level of performance, goal statements, list of accommodations and/or modifications, and service statements. Short-term objectives or benchmarks are required for goals of students working toward alternate achievement standards (i.e., VAAP). It is permissible to include objectives or benchmarks for other students' IEP goals.

**In addition, standards-driven IEPs contain:**

- Curriculum based assessment information;
- Statements of educational performance related to classroom instruction and state and district assessments;
- Goal statements linked to content standards, their key components, or a skill required to access the content;
- Measurements of progress that include descriptions of classroom performance and classroom/district assessments;
- Accommodations and modifications that allow meaningful participation in content instruction; and
- Progress measures that are assessed and measured in relation to the general education curriculum.

**Academic Achievement:**

In Virginia the local academic curriculum is based on the state's Standards of Learning (SOL) in:

- English (Reading, Writing);
- Mathematics;
- Science; and
- History/Social Sciences.

These have state assessments. Other curriculum areas include physical education/health, fine arts, foreign languages, career /technical education, and elective courses.

**Functional Performance:**

Any deficiencies in age-appropriate functional skills should be addressed in the student's IEP. Functional skills and behaviors across different environments include:

- Social interaction, including communication;
- Self-care skills, including safety;
- Self-determination; and
- Mobility, etc.

**Annual Goals:**

The academic and functional goals are based on the information in the Present Level of Performance. Goal statements should be linked to content standards, their key components, or a skill required to access the content (for example literacy, numeracy, learning strategies, social skills, and other functional skills). Goals should be stated so student progress is measurable.

Annual goals are prioritized based on individualized needs and identified outcomes. IEP teams may discuss:

- Where is the student functioning now?
- Where is the student headed?
- What is needed this year for the student to progress to where he/she is headed?

\* Refer to [IDEA 2004 Guidance Document Section VI](#), May 2005



### IEP Special Factors \*

#### *Considerations for Students Who are Deaf or Hard of Hearing*

Students who are deaf and hard of hearing must have complete access to all communication in their educational environments to meet the same learning standards as their hearing peers. Creating full and effective communication access for these students permits them continuous access to information, opportunities for incidental learning and for learning through peer interaction. The provision of good language models is critical.

Individualized Education Program (IEP) teams must address the following for a child who is deaf or hard of hearing:

- The child's language and communication needs;
- Opportunities for direct communication with peers and professional personnel in the child's language and communication mode;
- Academic level; and
- Full range of needs including opportunities for direct instruction in the child's language and communication mode.

Special education and related services must be included in the child's IEP. The IEP team's decision should always be in the context of providing a learning environment that meets the communication and educational needs of a child who is deaf or hard of hearing.

Effective communication in a language-rich environment provides opportunities for continuous language competency development. It can also address the child's cognitive level and needed accommodations or modifications.

In determining appropriate special education, related services and other needed experiences, the IEP team should develop opportunities that address:

- The child's academic performance, communication mode, language abilities and social/emotional development needs;
- Necessary accommodations, modifications, and needed technology;
- The level of communication access in the classroom, home, and overall school environment;
- Qualifications and communicative competencies of personnel that match the child's primary mode of communication;
- Opportunities for interaction with a sufficient number of age-appropriate peers who are deaf or hard of hearing and who communicate the same way as the child; and
- Physical characteristics of the setting (visual, acoustics).

**For Example:** A student who has a severe to profound bilateral hearing loss transfers into your elementary school at the 5<sup>th</sup> grade level. She uses sign language fluently to communicate, and is achieving on grade level in Math and Social Studies. Reading and written language are significantly delayed. The student should receive services from a qualified teacher who is fluent in the child's primary mode of communication. She should have opportunities for interaction with other children who use her primary mode of communication. A proficient interpreter should accompany the student in the general education classroom for identified content areas. Sign language training may be needed for family members and school staff.

\* Refer to [IDEA 2004 Guidance Document Section VI](#), May 2005



**Scientifically Based, Peer Reviewed Instruction \***

*Effective Practices for Maximizing Student Learning*

The No Child Left Behind (NCLB) Act (2001) defines programs validated through scientifically based research as involving the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education programs.

Scientifically based research includes research that:

- Is rigorous and systematic and objective;
- Is empirical (i.e., grounded in data and not based on opinion and speculation ;
- Has a strong research design;
- Has reliable and valid data (i.e., data consistently measures what it was intended to measure);
- Involves rigorous data analyses; and
- Has been accepted by a rigorous peer-review or approved by a panel of independent experts that apply strict standards of scholarship to the work they review.

IDEA 2004 requires that the statement of special education and related services and supplementary aids and services be based on peer reviewed research to the extent practicable.

Practices, programs, and strategies with the strongest evidence base will have multiple high quality studies. One way to learn about effective practices is to read research reports in journal articles, papers, and books that have been reviewed and selected by a panel of reviewers. Professionals working in universities and research organizations conduct the majority of the rigorous research studies; however; other individuals and organizations also conduct research.

The following resources provide information on research-based practices:

- The Access Center  
[www.k8accesscenter.org](http://www.k8accesscenter.org)
- What Works Clearinghouse  
[www.w-w-c.org](http://www.w-w-c.org)
- Council for Exceptional Children Division on Learning Disabilities  
<http://www.teachingld.org>
- U.S. Department of Education's Institute for Education Sciences  
<http://www.relnetwork.org/about.html>

**For example:** Research shows that students who do not possess essential skills of reading have difficulty making progress in the general curriculum. The National Reading Panel identifies essential reading skills as phonemic awareness, phonics & word study, vocabulary, fluency, and text comprehension.

A student's IEP service of "supplemental reading intervention" should address direct instruction in the skills associated with maximizing student learning from the research studies such as those compiled by the [National Reading Panel Report Teaching Children to Read: An Evidence Based Assessment of the Scientific Research Literature and Implications for Reading Instruction](#).

\* Refer to [IDEA 2004 Guidance Document Section VI](#), May 2005



## Secondary Transition \*

*Plan Early for Best Results* (revised 9/12/05)

### IDEA 2004 defines secondary transition as:

a coordinated set of activities designed to be within a results-oriented process, focused on improving the academic and functional achievement to facilitate movement from school to post-school activities.

***In order to plan effectively, begin no later than the first IEP to be in effect when the child is 16 and update annually.*** Diploma options and course of study discussions should begin during 8<sup>th</sup> or 9<sup>th</sup> grade.

***NOTE: Age 16 is the DEADLINE not the starting point! When discussing diploma options, refer to the Graduation Requirements in Regulations Establishing Standards for Accrediting Public Schools in Virginia (Standards of Accreditation).***

**The purpose of planning is to** improve academic and functional performance and facilitate movement from school to post-school activities such as:

- Postsecondary education;
- Career and technical education;
- Integrated employment;
- Continuing and adult education;
- Adult services;
- Independent living; or
- Community participation.
- 

**Planning is based upon** individual needs, strengths, preferences, and interests.

### Transition services include:

- Activities needed to assist the child in reaching postsecondary goals; and
- Course of study.

**Transition activities may include:** instruction, related services, community experience, employment and other adult living objectives, daily living skills, functional vocational evaluation.

### Postsecondary goals:

A discussion must take place with the youth, family/guardian/surrogate, and others as needed, to determine the post-school vision for the student. Goals are measurable, but not necessarily annual. They should be based on age appropriate transition assessments related to training, education, employment, and independent living skills, when necessary. Additionally, the goals are based on the child's needs, while considering the strengths, preferences and interests. Transition assessments may include observations, interviews, inventories, situational assessments, formal & informal assessments, and academic assessments.

**Age of majority:** Students must be informed, beginning not later than 1 year before age 18, of the rights that will be transferred to them.

**Summary of Performance:** Someone who knows the student such as an IEP teacher, a guidance counselor, a transition specialist, a lead teacher, etc. should complete the summary of performance. Students who are graduating or who will exceed the age of eligibility for a free and appropriate education should receive the Summary.

- Academic achievement-what the youth knows such as literacy, numeracy, consumer, and learning skills; reasoning, communication, processing, etc.;
- Functional performance-behavior across different environments such as how the youth interacts with peers at school, in the community, at work; self-care, mobility, self-determination, safety, etc.;
- Recommendations for attaining postsecondary goals-for example, attend college orientation, meet with Department of Rehabilitative Services, meet with Disability Services Counselor at community college, keep a file of current disability documentation, complete employment applications, etc.
- ✓ Include accommodations, modifications, assistive technology, etc. utilized for success in secondary education and needed to be successful in postsecondary environments.

\* Refer to [IDEA 2004 Guidance Document Section VII](#), May 2005



**PROCEDURAL SAFEGUARDS,  
SURROGATES & CONSENT \***

*Keeping Parents Informed*

The state [Procedural Safeguards](#) document has been revised to include information on time periods for due process hearings and appeals, the availability of mediation, and the availability of alternative dispute resolution. The revised document is available online at <http://www.doe.virginia.gov/VDOE/sess/>.

The local education agency (LEA) is responsible for providing a copy of the procedural safeguards notice to parents once a year, unless:

- The student is initially referred or parents request an evaluation;
- A request for a due process hearing or a complaint has been filed; or
- Requested by a parent.

A LEA may place a current copy of the procedural safeguards notice on its Web site. Because all parents do not have access to the internet, school personnel should not rely solely on this posting.

**Surrogate parent** refers to a person who serves as the representative to the school for a student suspected of, or identified as having a disability.

- For a child who is a ward of the state, the judge overseeing the child's care may alternatively appoint a surrogate parent provided that the person meets the non-employee standard.
- For an unaccompanied homeless youth, the local educational agency must appoint a surrogate parent that meets the non-employee standard

- The VDOE will make reasonable efforts to ensure that LEAs assign a surrogate parent within 30 days after determination that the child needs a surrogate.

**Consent** refers to the parent, parents, or eligible student being informed of all information relevant to the activity for which consent is being sought and being in agreement.

- Written parental consent is required before a LEA can provide initial special education and related services.
- LEAs may not use a due process hearing to seek to provide services if parents have failed to provide consent for initial services.
- If parents refuse consent for initial services, the LEA will not be considered to have failed to provide a free and appropriate public education (FAPE) to the child and is not required to convene IEP meetings about the child.
- The LEA is required to make reasonable efforts to obtain informed consent from the parent prior to an initial evaluation if the child is a ward of the state and not living with the child's parents.

A parent of a child with a disability may elect to receive **written prior notice** by an electronic mail (e-mail) communication, if the agency makes such an option available.

\* Refer to [IDEA 2004 Guidance Document Sections VIII, IX, and XII](#), May 2005